

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

William L. Tacker and Mary K. Tacker, Civil No. 13-CV-01353 (ADM/TNL)

Plaintiffs,

vs.

**ANSWER OF DEFENDANT  
WELLS FARGO BANK, N.A.  
AS TRUSTEE TO  
PLAINTIFFS' FIRST  
AMENDED COMPLAINT**

Wells Fargo Bank, N.A., as Trustee for  
Carrington Mortgage Loan Trust, Series  
2007-RFC1, Asset-Backed Pass Through  
Certificates,

Defendant.

---

Comes now Defendant Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2007-RFC1, Asset-Backed Pass Through Certificates (herein "Defendant"), as and for its Answer to Plaintiffs William L. Tacker and Mary K. Tacker's First Amended Complaint (herein "Complaint"), states and alleges as follows:

**ANSWER**

1. Defendant denies each and every allegation and statement contained in Plaintiffs' Complaint except as hereinafter specifically admitted, qualified or otherwise explained.

2. Defendant is without sufficient knowledge or information to either admit or deny whether Plaintiffs William L. Tacker and Mary K. Tacker are a

married couple as alleged in paragraph 1 of Plaintiffs' Complaint and, therefore, denies said allegation. Defendant admits the remainder of the allegations contained in paragraph 1 of Plaintiffs' Complaint.

3. Defendant admits the allegations contained in paragraph 2 of Plaintiffs' Complaint.

4. Defendant admits the allegations contained in paragraph 3 of Plaintiffs' Complaint.

5. Defendant admits the allegations contained in paragraph 4 of Plaintiffs' Complaint.

6. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 5 of Plaintiffs' Complaint and, therefore, denies said allegations.

7. At this time, Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 6 of Plaintiffs' Complaint and, therefore, denies said allegations.

8. At this time, Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 7 of Plaintiffs' Complaint and, therefore, denies said allegations.

9. At this time, Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 8 of Plaintiffs' Complaint and, therefore, denies said allegations.

10. At this time, Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 9 of Plaintiffs' Complaint and, therefore, denies said allegations.

11. At this time, Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 10 of Plaintiffs' Complaint and, therefore, denies said allegations.

12. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 11 of Plaintiffs' Complaint and, therefore, denies said allegations.

13. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 12 of Plaintiffs' Complaint and, therefore, denies said allegations.

14. Defendant denies the allegations contained in paragraph 13 of Plaintiffs' Complaint.

15. Defendant admits the allegations contained in paragraph 14 of Plaintiffs' Complaint.

16. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 15 of Plaintiffs' Complaint and, therefore, denies said allegations.

17. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 16 of Plaintiffs' Complaint and, therefore, denies said allegations.

18. The allegations contained in paragraph 17 of Plaintiffs' Complaint require no response. Should a response be required, Defendant denies said allegations.

19. The allegations contained in paragraph 18 of Plaintiffs' Complaint are legal conclusions and require no response. Should a response be required, Defendant denies said allegations.

20. The allegations contained in paragraph 19 of Plaintiffs' Complaint are legal conclusions and require no response. Should a response be required, Defendant denies said allegations.

21. Defendant denies the allegations contained in paragraph 20 of Plaintiffs' Complaint.

22. Defendant denies the allegations contained in paragraph 21 of Plaintiffs' Complaint.

23. The allegations contained in paragraph 22 of Plaintiffs' Complaint are legal conclusions and do not require a response. Should a response be required, Defendant denies said allegations.

24. At this time, Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 23 of Plaintiffs' Complaint and, therefore, denies said allegations.

25. Defendant denies that allegations contained in paragraph 24 of Plaintiffs' Complaint.

26. Defendant denies the allegations contained in paragraph 25 of Plaintiffs' Complaint.

27. Defendant denies the allegations contained in paragraph 26 of Plaintiffs' Complaint.

28. Defendant denies the allegations contained in paragraph 27 of Plaintiffs' Complaint.

29. The allegations contained in paragraph 28 of Plaintiffs' Complaint are legal conclusions and require no response. Should a response be required, Defendant denies said allegations.

30. Defendant denies the allegations contained in paragraph 29 of Plaintiffs' Complaint.

31. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 30 of Plaintiffs' Complaint and, therefore, denies said allegations.

32. Defendant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 31 of Plaintiffs' Complaint and, therefore, denies said allegations.

33. Defendant denies the allegations contained in paragraph 32 of Plaintiffs' Complaint.

34. Defendant denies the allegations contained in paragraph 33 of Plaintiffs' Complaint.

35. The allegations contained in paragraph 34 of Plaintiffs' Complaint do not require a response. Should a response be required, Defendant denies said allegations.

36. Defendant denies the allegations contained in paragraph 35 of Plaintiffs' Complaint.

37. Defendant denies the allegations contained in paragraph 36 of Plaintiffs' Complaint.

38. Defendant denies the allegations contained in paragraph 37 of Plaintiffs' Complaint.

39. Defendant denies the allegations contained in paragraph 38 of Plaintiffs' Complaint.

40. The allegations contained in paragraph 39 of Plaintiffs' Complaint require no response. Should a response be required, Defendant denies said allegations.

41. Defendant denies the allegations contained in paragraph 40 of Plaintiffs' Complaint.

42. Defendant denies the allegations contained in paragraph 41 of Plaintiffs' Complaint.

43. Defendant denies the allegations contained in paragraph 42 of Plaintiffs' Complaint.

44. The allegations contained in paragraph 43 of Plaintiffs' Complaint require no response. Should a response be required, Defendant denies said allegations.

#### **AFFIRMATIVE DEFENSES**

45. Plaintiffs' Complaint fails to state a claim, in whole or part, upon which relief may be granted.

46. Plaintiffs' claims are, or may be, limited or barred by the relevant statute of limitations.

47. Plaintiffs' claims are, or may be, limited or barred by their failure to mitigate their damages.

48. Plaintiffs' claims are, or may be, the result of their own acts or omissions.

49. Plaintiffs' claims and damages may be the result of the acts or omissions committed by parties and or non-parties to this action over whom Defendant may have no control over or responsibility to control.

50. Plaintiffs' claims are, or may be, limited or barred by the doctrines of waiver, laches, estoppel, unclean hands, fraud, and the relevant statute of limitations.

51. Defendant reserves the right to amend its Answer to assert additional defenses upon the completion of discovery and its investigation into this matter.

**WHEREFORE**, Defendant seeks the Court to Order as follows:

1. Denying Plaintiffs' requested relief.

2. Awarding Defendant such further relief as the Court deems just and reasonable.

3. Awarding Defendant costs and attorneys fees, where permitted by Minnesota and Federal Law.

**SHAPIRO & ZIELKE, LLP**

Dated: 7/19/2013

By: /s/ Amanda M. Govze  
Amanda M. Govze – (#0389671)  
agovze@logs.com  
Kalli L. Ostlie – (#0329678)  
kostlie@logs.com  
12550 West Frontage Road, Suite 200  
Burnsville, MN 55337  
Telephone: (952) 831-4060  
Facsimile: (952) 831-4734

*Attorneys for Defendant  
Wells Fargo Bank, N.A., as Trustee*